

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CASE NO. 04-30155-MAP

Bankruptcy Case No. 02-45994-HJB

IN RE: HECTOR L. ROLON,
Debtor

HECTOR L. ROLON,

Appellant

v.

RICHARD KING, ASSISTANT UNITED STATES TRUSTEE; AND
DENISE M. PAPPALARDO, CHAPTER 13 TRUSTEE

Appellee

BRIEF OF APPELLEE, DENISE PAPPALARDO, CHAPTER 13 TRUSTEE

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	ii
I. STATEMENT OF ISSUE PRESENTED.....	1
II. STANDARD OF REVIEW.....	1
III. STATEMENT OF THE CASE AND FACTS.....	1
IV. ARGUMENT	4

TABLE OF AUTHORITIES

STATUTES:

11 U.S.C. §330.....	2
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FEDERAL RULES OF BANKRUPTCY PROCEDURE

Fed. Rules Bankr. Pro. 8002.....	3-5
Fed. Rules Bankr. Pro. 8013.....	1

MASSACHUSETTS LOCAL BANKRUPTCY RULES

Mass. Local Bank. Rules13-7 (b).....	2
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CASES:

<i>In re Collida</i> , 270 B.R. 209 (Bankr.S.D.Tex 2001).....	5
<i>Cooter & Gell v. Hatmarx Corp.</i> , 496 U.S. 384 (1990).....	1
<i>Edmonston v. Murphy (In re Edmonston)</i> , 107 F.3d 74 (1 st Cir.1997).....	1
<i>In re Ortiz</i> , 200 B.R. 485 (D. Puerto Rico1996).....	1
<i>Pioneer Inv. Servs.Co v. Brunswick Assocs. Ltd. P'Ship</i> 507 U.S. 380 (1993).....	4
<i>In re Williams</i> , 224 B.R. 523 (B.A.P. 2 nd Cir. 1998).....	1

I. STATEMENT OF ISSUE

Whether the bankruptcy court's order of July 8, 2004 denying the late filing of an appeal was an abuse of discretion given that the late filing was not caused by excusable neglect.

II. STANDARD OF REVIEW

Whereas, the lower court's decision is reviewed for abuse of discretion, the appellate court reviews the facts underlying the decision under a "clearly erroneous" standard. Fed. Rules Bankr. Pro. 8013. *See also, In re Ortiz*, 200 B.R. 485, 489, (D. Puerto Rico 1996). A bankruptcy court abuses its discretion if it bases its decision on an erroneous view of law or clearly erroneous factual findings. *Cooter & Gell v. Hatmarx Corp.*, 496 U.S. 384 (1990). To determine that the Bankruptcy Court abused its discretion, this Court must find that the lower court "committed a clear error of judgment in the conclusion it reached based on all the appropriate factors." *In re Williams*, 224 B.R. 523, 529 (B.A.P. 2nd Cir. 1998). The clearly erroneous standard requires the Court to give great deference to the bankruptcy court. *Ortiz*, at 489. Legal conclusions are reviewed *de novo*. *Edmonston v. Murphy (In re Edmonston)*, 107 F.3d 74, 75(1st Cir. 1997).

III. STATEMENT OF THE CASE AND FACTS

On December 1, 2002, Hector Rolon (the "Debtor") filed a bankruptcy petition pursuant to Chapter 13 of Title 11 of the United States Code (the "Code").¹ The Debtor was represented by Attorney Francis Lafayette.

On or about June 24, 2003, the bankruptcy court issued a case management order (the

¹Trustee's Appendix, No. 1, Docket No. 1.

“Case Management Order”)² ordering Attorney Lafayette to show cause (1) why he should not file fee applications in all pending cases in which he serves as counsel to the debtor in which fees are unpaid and (2) why, until further order of the court, he should not be required to deposit fees received from Chapter 13 or 7 debtors in the District of Massachusetts in his client trust account and not disburse the funds until approval of his fees.³ In issuing the Case Management Order, the bankruptcy court took judicial notice that a pattern had arisen whereby Attorney Lafayette failed to adequately represent his clients.⁴

On July 22, 2003, an evidentiary hearing was conducted on the Case Management Order. At that time, Attorney Lafayette presented evidence that the lapses in his representation were due

²Trustee’s Appendix, No. 2.

³The court may allow reasonable compensation to counsel for a debtor based on the benefit and necessity of such services 11 U.S.C. § 330(a)(4)(B). “Unless otherwise ordered by the court, if debtor’s counsel’s total compensation prior to confirmation of a plan is \$2,500.00 or less ...[or]...compensation for post confirmation services [is] in an amount not exceeding \$500...the filing of an itemized fee application shall be excused.” MLBR 13-7(b).

⁴ The Case Management Order was issued in the following cases: *In re Stefan Davis*, Case No. 03-40199-HJB-there were errors in the bankruptcy schedules and plan; *In re Mark Bennett and Angela Bennett*, Case No. 03-40074-HJB-there were errors in the bankruptcy schedules and plan; *In re Joseph LaFrance*, Case No. 02-42450-HJB-there were inaccuracies regarding time entries on Attorney Lafayette’s fee application; *In re Marta Oyola*, Case No. 02-45398-HJB-Attorney Lafayette filed a Schedule “C” and an Amended Schedule “C” in which he claimed an exemption in assets in excess of that permitted. In the following cases, the bankruptcy court ordered Attorney Lafayette to file fee applications: *In re Kathleen Daigneault*, Case No. 02-46689-HJB-Attorney Lafayette failed to amend an unconfirmable Chapter 13 plan and missed two deadlines in the case; and *In re Peter Caci*, Case No. 02-47249-HJB-Attorney Lafayette failed to disclose to the debtors that an expert retained by Attorney Lafayette was not in fact qualified, failed to advise the debtors that Attorney Lafayette represented the expert in his own Chapter 13 bankruptcy, undertook to represent both the expert and the debtors in a contest regarding fees, and failed to timely file a motion to sell real estate. In the *Rolon* case, Attorney Lafayette filed a Chapter 7 case for the debtor even though he had recently received a Chapter 7 discharge and could not obtain another Chapter 7 discharge, he filed inaccurate schedules, and filed schedules late. Trustee’s Appendix No. 3, pp. 38-40.

to computer software problems, his chronic illnesses and his staff's temporary illnesses.⁵ With respect to the evidence presented by Attorney Lafayette

The Court finds it hard to believe, and does not believe, that most (if any) of the various errors described in each of the above referenced cases are the result of the various excuses proffered by Attorney Lafayette. But even if the excuses are true, they are not sufficient to overlook the sloppy, careless and unprofessional actions taken by Attorney Lafayette in each of the referenced cases. Clients come to attorneys for a service. Where the service is not provided, or provided poorly, they should not be required to pay for the service, regardless of the validity of the excuse offered.⁶

On June 10, 2004, the Court ordered, in part, that Attorney Lafayette disgorge fees,⁷ file fee applications in those cases in which there is unpaid compensation, and file fee applications in all future bankruptcy cases (the "June 10, 2004 Order").⁸

On June 24, 2004, Attorney Lafayette filed a Notice of Appeal of the June 10, 2004 Order (the "First Notice of Appeal").⁹ On June 29, 2004, the bankruptcy court dismissed the appeal as it was not timely filed pursuant to the Federal Rules of Bankruptcy Procedure 8002(a) (the "Dismissal Order").¹⁰ On June 30, 2004, Attorney Lafayette filed a motion for reconsideration of

⁵Trustee's Appendix No. 3, p. 40.

⁶Trustee's Appendix, No. 3, p. 41.

⁷The order to disgorge was issued in *Oyola, Rolon, Daigneault, Caci, Davis and LaFrance*. Trustee's Appendix, No. 3, p. 44.

⁸Trustee's Appendix, No. 4.

⁹Trustee's Appendix, No. 1, Docket No. 85.

¹⁰Trustee's Appendix, No. 5.

the Dismissal Order (the “Reconsideration Motion”).¹¹ Attorney Lafayette alleged that the First Notice of Appeal was not timely filed due in part to newly diagnosed illnesses. On July 8, 2004, the bankruptcy court denied the Reconsideration Motion (the “Reconsideration Order”).¹² On July 19, 2004, Attorney Lafayette filed a Notice of Appeal of the Reconsideration Order (the “Second Notice of Appeal”) which is the subject of the present appeal.¹³

IV. ARGUMENT

Whether the bankruptcy court’s order of July 8, 2004 denying the late filing of an appeal was an abuse of discretion given that the late filing was not caused by excusable neglect.

A notice of appeal must be filed within 10 days of the date of the entry of the judgment, order, or decree. Fed. R. Bankr. P. 8002(a). A request to extend the time for filing a notice of appeal must be made by written motion filed before the time for filing a notice of appeal has expired except that such a motion filed not later than 20 days after the expiration of the time for filing a notice of appeal may be granted upon a showing of *excusable neglect* [*emph. added*]. Fed. R. Bankr. P. 8002(c)(2).

Determination of whether neglect is excusable is an equitable one taking into account all relevant circumstances surrounding the parties omission. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 396 (1993). “These include...the danger of prejudice to the debtor, the length of the delay and its potential impact of judicial proceedings, the reason for the

¹¹Trustee’s Appendix, No. 1, Docket No. 92.

¹²Trustee’s Appendix, No. 6.

¹³Trustee’s Appendix, No. 1, Docket No. 99.

TABLE OF CONTENTS FOR APPELLEE'S APPENDIX

1. Docket Entries
2. Case Management Order dated June 24, 2003
3. Memorandum of Decision dated June 10, 2004
4. Order dated June 10, 2004
5. Dismissal Order dated June 29, 2004
6. Order Denying Motion for Reconsideration Dated July 8, 2004
7. Memorandum of Decision dated July 8, 2004

No. 1

CONVERTED, NOCLOSE, APPEAL

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Bankruptcy Petition #: 02-45994**

Assigned to: Judge Henry J. Boroff
Chapter 13
Previous chapter 7
Voluntary
Asset

Date Filed: 10/01/2002
Date Converted: 10/08/2002

Hector L. Rolon
46 Pinney St.
Palmer, MA 01069
SSN: xxx-xx-0414
Debtor

represented by **Francis Lafayette**
PO Box 1020
Palmer, MA 01069
(413) 283-7785
Email: francislafayettejd@onebox.com

Richard King
Office of US. Trustee
446 Main Street
14th Floor
Worcester, MA 01608
Assistant U.S. Trustee

Denise M. Pappalardo
P. O. Box 16607
Worcester, MA 01601
508-791-3300
Trustee

Filing Date	#	Docket Text
10/01/2002	<u>1</u>	Voluntary Chapter 7 Petition (Filing Fee \$ 200.00 Rcpt # 504055) missing documents: All Schedules a-j Statement of Financial Affairs and Disclosure of Atty Compensation Due on 4:30 pm 10/16/02 Statement of Intent due by 4:30 pm on 10/31/02. (pf) (Entered: 10/02/2002)
10/01/2002		Matrix. (pf) (Entered: 10/02/2002)
10/01/2002		First Meeting of Creditors scheduled For 10:30 am on 11/7/02 At Banknorth Center, Rm 515. Last Day To Oppose Discharge: 4:30 pm on 1/6/03. Notice to be mailed within two weeks. (pf) (Entered: 10/02/2002)

10/01/2002	<u>2</u>	Certificate of Appointment and Acceptance of Trustee Steven Weiss and Fixing of Bond. (pf) (Entered: 10/02/2002)
10/01/2002	<u>3</u>	Order to Update Petition. Incomplete Filing; missing documents: All Schedules a-j Statement of Financial Affairs and Disclosure of Atty Compensation ; Missing Documents Due 4:30 pm on 10/16/02 ; Statement of Intent Due 4:30 pm on 10/31/02. (pf) (Entered: 10/02/2002)
10/07/2002	<u>4</u>	Court's Notice of the First Meeting being sent to the Bankruptcy Noticing Center. (auto) (Entered: 10/07/2002)
10/07/2002	<u>5</u>	Motion by Debtor for Conversion from Chapter 7 to Chapter 13 . (Expedited Determination Requested) c/s (ps) (Entered: 10/07/2002)
10/07/2002	<u>6</u>	Schedules A-J (ps) (Entered: 10/08/2002)
10/07/2002	<u>7</u>	Statement of Financial Affairs. (ps) (Entered: 10/08/2002)
10/07/2002	<u>8</u>	Statement of Intent. (ps) (Entered: 10/08/2002)
10/07/2002	<u>9</u>	Disclosure of Compensation filed by Attorney Francis Lafayette for the Debtor in the amount of \$ 3,000.00. (ps) (Entered: 10/08/2002)
10/07/2002	<u>10</u>	Chapter 13 Plan with Certificate of Service. (ps) (Entered: 10/08/2002)
10/07/2002	<u>11</u>	Debtor's Motion For Extension of Chapter 13 Plan Payment Period . c/s (ps) (Entered: 10/08/2002)
10/08/2002	<u>12</u>	ENDORSEMENT ORDER: Granting [5-1] Motion for Conversion from Chapter 7 to Chapter 13 by Debtor. Trustee Steven Weiss terminated. Denise Pappalardo appointed as Chapter 13 Trustee . (ps) (Entered: 10/08/2002)
10/10/2002		First Meeting of Creditors sch For 2:00 pm 11/6/02 At Banknorth Center, Rm 515 Confirmation Hearing Set For 2:00 pm 11/6/02 At Banknorth Center, Rm 515 ;Proofs of Claim due on 4:30 pm ;Proof of Claim (gov. units only) Deadline: 4:30 pm 4/8/03 Notice to be mailed within two weeks. (hk) (Entered: 10/10/2002)
10/10/2002	<u>13</u>	First Meeting Certificate of Mailing. (auto) (Entered: 10/10/2002)
10/11/2002	<u>14</u>	Imaged Certificate of Mailing. (auto) (Entered: 10/11/2002)
10/22/2002	<u>15</u>	ENDORSEMENT ORDER: Regarding [11-1] Motion For Extension

		of Chapter 13 Plan Payment Period by Debtor . ALLOWED. NO OBJECTIONS FILED. (ps) (Entered: 10/22/2002)
10/23/2002		First Meeting of Creditors and Confirmation Hearing Scheduled For 1:00 pm on 11/20/02 At Banknorth Center, Rm 515. Notice to be mailed within two weeks. (pf) (Entered: 10/23/2002)
10/24/2002	16	Court's Notice of the First Meeting being sent to the Bankruptcy Noticing Center. (auto) (Entered: 10/24/2002)
10/25/2002	17	Imaged Certificate of Mailing. (auto) (Entered: 10/25/2002)
10/27/2002	18	First Meeting Certificate of Mailing. (auto) (Entered: 10/27/2002)
11/07/2002		First meeting not held. Case converted to chapter 13. (pf) (Entered: 11/19/2002)
11/13/2002	23	Notice of Appearance And Request For Service Of Notice By Owen H. Prague for Creditor Countrywide Home Loans, Inc. c/s (lc) (Entered: 12/13/2002)
11/20/2002		First Meeting Held and Examination of Debtor. (ach) (Entered: 11/22/2002)
11/22/2002	19	Motion By Trustee To Dismiss Case (Expedited Determination Requested). (ab) (Entered: 11/22/2002)
11/27/2002		Hearing Re: [19-1] Motion To Dismiss Case by Trustee set For 9:00 AM On 12/4/02 at Springfield Court. (ds) (Entered: 11/27/2002)
12/02/2002	20	Certificate Of Service By Trustee Of Hearing Re: [19-1] Motion To Dismiss Case by Trustee. (ps) (Entered: 12/02/2002)
12/04/2002		Hearing Held Re: [19-1] Motion To Dismiss Case by Trustee. (sas) (Entered: 12/05/2002)
12/04/2002	21	AGREED ORDER: Regarding [19-1] Motion To Dismiss Case by Trustee . (sas) (Entered: 12/05/2002)
12/08/2002	22	Imaged Certificate of Mailing. (auto) (Entered: 12/08/2002)
12/17/2002	24	Objection By Creditor Internal Revenue Service To Confirmation Of [10-1] Chapter 13 Plan. c/s. (jc) (Entered: 12/20/2002)
12/20/2002	26	Motion of the Chapter 13 Trustee For Order Dismissing Case . c/s (ps) (Entered: 12/23/2002)

12/20/2002	<u>27</u>	Motion By Trustee To Extend Time To File Objection to Confirmation of Debtor's Chapter 13 Plan and Exemptions . c/s (ps) (Entered: 12/23/2002)
12/23/2002	<u>25</u>	(faxed) Objection By Debtor Hector L. Rolon To ch.13 Trustee's Motion For Order Dismissing Case (dated 12/20/02) . c/s (yms) (Entered: 12/23/2002)
12/27/2002		Hearing Re: [24-1] Objection to Confirmation of Plan by Internal Revenue Service Set For 9:30 am on 1/29/03 at Springfield Court . (ps) (Entered: 12/27/2002)
12/30/2002		Hearing Re: [26-1] Motion For Order Dismissing Case by Trustee Set For 9:30 am on 1/29/03 at Springfield Court . (ps) (Entered: 12/30/2002)
12/31/2002	<u>29</u>	Certificate Of Service By Steven M. Carr for Internal Revenue Service Of Hearing Re: [24-1] Objection to Confirmation of Plan. (ps) (Entered: 01/06/2003)
01/02/2003	<u>28</u>	Certificate Of Service By Trustee Of Hearing [26-1] Motion For Order Dismissing Case by Trustee. (ps) (Entered: 01/03/2003)
01/27/2003	<u>30</u>	Motion By Internal Revenue Service To Continue Hearing On: [24-1] Objection to Confirmation of Plan . c/s (ps) (Entered: 01/27/2003)
01/28/2003	<u>31</u>	ENDORSEMENT ORDER: Regarding [30-1] Motion To Continue Hearing On: [24-1] Objection to Confirmation of Plan by Internal Revenue Service . THE HEARING ON THE OBJECTION TO PLAN SET FOR 01/29/03 IS CANCELED; THIS MATTER IS CONTINUED GENERALLY. (ps) (Entered: 01/29/2003)
01/29/2003	<u>32</u>	ORDER: Hearing Held and Continued Regarding [26-1] Motion For Order Dismissing Case by Trustee .CONTINUED TO 2/12/03 AT 10:00 AM AT SPRINGFIELD. (ps) (Entered: 01/30/2003)
02/12/2003		Hearing Held Re: [26-1] Motion For Order Dismissing Case by Chapter 13 Trustee. (ps) (Entered: 02/13/2003)
02/12/2003	<u>33</u>	ORDER: Regarding [26-1] Motion For Order Dismissing Case by Chapter 13 Trustee . THE DEBTOR IS ORDERED TO SUPPLY ALL OF THE REQUESTED DOCUMENTS TO THE CHAPTER 13 TRUSTEE ON OR ABOUT 2/14/03. (ps) (Entered: 02/13/2003)
02/20/2003	<u>34</u>	Motion By Trustee To Extend Time To File Objection To Confirmation of Debtor's Chapter 13 PPlan and Exemptions . c/s (ps) (Entered: 02/21/2003)

03/04/2003	<u>35</u>	ENDORSEMENT ORDER: Regarding [34-1] Motion To Extend Time To File Objection To Confirmation of Debtor's Chapter 13 Plan and Exemptions by Trustee . ALLOWED. NO RESPONSES FILED. (ps) (Entered: 03/04/2003)
03/07/2003	<u>36</u>	Motion Of Chapter 13 Trustee For Order Dismissing Case c/s (ps) (Entered: 03/10/2003)
03/07/2003	<u>37</u>	Motion Of Chapter 13 Trustee To Require Counsel To The Debtor To File A Fee Application . c/s (ps) (Entered: 03/10/2003)
03/10/2003	<u>38</u>	Chapter 13 Trustee's Objection To Confirmation Of [10-1] Chapter 13 Plan And Exemption. c/s (ps) (Entered: 03/10/2003)
03/13/2003		Hearing Re: [37-1] Motion To Require Counsel To The Debtor To File A Fee Application by Denise M. Pappalardo Set For 10:00 am on 4/2/03 at Springfield Court . (ps) (Entered: 03/13/2003)
03/13/2003		Hearing Re: [38-1] Confirmation of Plan Objection by Denise M. Pappalardo Set For 10:00 am on 4/2/03 at Springfield Court . (ps) (Entered: 03/13/2003)
03/14/2003	<u>39</u>	Certificate Of Service By Trustee Of Hearing Re: [38-1] Objection to Confirmation of Plan by Trustee. (sas) (Entered: 03/15/2003)
03/14/2003	<u>40</u>	Certificate Of Service By Trustee Of Hearing Re: [37-1] Motion To Require Counsel To The Debtor To File A Fee Application by Trustee. (sas) (Entered: 03/15/2003)
03/31/2003	<u>41</u>	ENDORSEMENT ORDER: Regarding [36-1] Motion For Order Dismissing Case by Chapter 13 Trustee . ALLOWED. NO OBJECTIONS FILED. (ps) (Entered: 04/01/2003)
04/02/2003	<u>42</u>	ORDER: Granting [37-1] Motion To Require Counsel To The Debtor To File A Fee Application by Trustee . GRANTED. DEBTOR'S COUNSEL IS ORDERED TO FILE A FEE APPLICATION ON OR BEFORE 4/30/03. (ab) (Entered: 04/03/2003)
04/02/2003	<u>43</u>	ORDER: Regarding [38-1] Objection to Confirmation of Plan by Trustee . CONTINUED GENERALLY. DEBTOR IS ORDERED TO FILE AMENDED SCHEDULES C AND I ON OR BEFORE 4/23/03. (ab) (Entered: 04/03/2003)
04/03/2003		Hearing Held Re: [38-1] confirmation of plan Objection by Trustee. (ab) (Entered: 04/03/2003)
04/11/2003	<u>44</u>	Notice of Dismissal (ps) (Entered: 04/11/2003)

04/22/2003	<u>45</u>	Amended Schedules C,I,J Re: 6 Schedules C,I,J Filed by Debtor Hector L. Rolon. (ps ,) (Entered: 04/23/2003)
04/22/2003	<u>46</u>	Debtor's Motion to Amend <u>6</u> Schedules C,I,J. c/s (ps ,) (Entered: 04/23/2003)
04/25/2003	<u>47</u>	Debtor's Opposition to <u>36</u> Motion Of Chapter 13 Trustee For Order Dismissing Case. c/s (ps ,) (Entered: 04/25/2003)
04/25/2003	<u>48</u>	Motion to Vacate <u>41</u> ORDER: Granting [36-1] Motion For Order Dismissing Case by Chapter 13 Trustee and Allow of Debtor's Opposition to Trustee's Motion to Dismiss Case. c/s (Expedited Determination Requested) (ps ,) (Entered: 04/25/2003)
04/30/2003	<u>49</u>	Motion to Extend Time for Filing Fee Application. c/s Filed by Debtor Hector L. Rolon. (Expedited Determination Requested.) (ps ,) (Entered: 05/01/2003)
05/01/2003	<u>50</u>	Hearing scheduled for 5/9/2003 at 11:00 AM Springfield Courtroom - HJB RE: <u>48</u> Motion to Vacate <u>41</u> ORDER: Granting [36-1] Motion For Order Dismissing Case by Chapter 13 Trustee and Allow of Debtor's Opposition to Trustee's Motion to Dismiss Case. (Entered: 05/01/2003)
05/01/2003	<u>51</u>	Court Certificate of Mailing. RE: <u>50</u> Hearing scheduled for 5/9/2003 at 11:00 AM Springfield Courtroom - HJB (ps ,) (Entered: 05/01/2003)
05/01/2003	<u>52</u>	Endorsed Order Re: <u>49</u> Motion to Extend Time for Filing Fee Application. ALLOWED. DEADLINE IS EXTENDED TO 5/14/03. 5/1/2003. (ps ,) (Entered: 05/01/2003)
05/01/2003	<u>53</u>	Opposition by Trustee Denise M. Pappalardo Re: <u>48</u> Motion to Vacate <u>41</u> Order Granting [36-1] Motion For Order Dismissing Case by Chapter 13 Trustee and Allow Debtor's Opposition to Trustee's Motion to Dismiss Case filed by Debtor Hector L. Rolon. c/s (sas) (Entered: 05/01/2003)
05/09/2003		Hearing Held RE: <u>48</u> Motion to Vacate filed by Debtor Hector L. Rolon (ps ,) (Entered: 05/13/2003)
05/09/2003	<u>54</u>	Order Re: <u>48</u> Motion to Vacate <u>41</u> ORDER: Granting [36-1] Motion For Order Dismissing Case by Chapter 13 Trustee and Allow of Debtor's Opposition to Trustee's Motion to Dismiss Case. CONTINUED TO 5/14/03 AT 10:00 AM IN SPRINGFIELD. (ps ,) (Entered: 05/13/2003)

05/13/2003		Hearing scheduled for 5/14/2003 at 10:00 AM Springfield Courtroom - HJB RE: 48 Motion of Debtor to Vacate 41 Dismissal Order of April 11, 2003. (ps) (Entered: 05/13/2003)
05/14/2003		Hearing Held RE: 48 Motion to Vacate Dismissal Order of April 11, 2003 filed by Debtor Hector L. Rolon. (ps ,) (Entered: 05/14/2003)
05/14/2003	<u>55</u>	Order Re: 48 Motion to Vacate Dismissal Order of April 11, 2003. GRANTED. THE DEADLINE FOR DEBTOR'S COUNSEL TO FILE A FEE APPLICATION IS EXTENDED TO 5/15/03. (Entered: 05/14/2003)
05/15/2003	<u>56</u>	Motion for Permission to File Fee Application by Facsimile (Expedited Determination Requested). c/s Filed by Counsel for Debtor. (ps ,) (Entered: 05/15/2003)
05/15/2003	<u>57</u>	First Fee Application for Compensation, Itemized Application for Compensation/Order Memorandum of Receipts and Disbursements, Statement of Attorney and Other Thereon for Francis Lafayette , Debtor's Attorney Fee: \$4669.25, Expenses: \$0.00. (ps) (Entered: 05/15/2003)
05/15/2003	<u>58</u>	Endorsed Order Re: <u>56</u>) Motion for Permission to File Fee Application by facsimile. ALLOWED. 5/15/2003. (ps ,) (Entered: 05/16/2003)
05/23/2003	<u>59</u>	Hearing scheduled for 6/2/2003 at 02:30 PM Springfield Courtroom - HJB RE: <u>57</u> First Fee Application for Compensation, Itemized Application for Compensation/Order Memorandum of Receipts and Disbursements, Statement of Attorney and Order Thereon for Francis Lafayette, Debtor's Attorney. (ps) (Entered: 05/23/2003)
05/23/2003	<u>60</u>	Court Certificate of Mailing. RE: <u>59</u> Hearing scheduled for 6/2/2003 at 02:30 PM Springfield Courtroom - HJB (ps ,) (Entered: 05/23/2003)
05/27/2003	<u>61</u>	Endorsed Order Re: <u>46</u> Debtor's Motion to Amend <u>6</u> Schedules C,I,and J Filed by Debtor Hector L. Rolon. ALLOWED. NO OBJECTIONS FILED. (ps ,) (Entered: 05/28/2003)
05/30/2003	<u>62</u>	Assented to Motion to Continue Hearing Re: <u>57</u> First Fee Application for Compensation, Itemized Application for Compensation/Order Memorandum of Receipts and Disbursements, Statement of Attorney and Other Thereon for Francis Lafayette , Debtor's Attorney Fee: \$4669.25, Expenses: \$0.00. (ab) (Entered: 05/30/2003)
06/02/2003	<u>63</u>	Endorsed Order Re: <u>62</u> Motion To Continue Hearing On <u>57</u>

		Application for Compensation. ALLOWED; HEARING SCHEDULED FOR 6/2/03 IS CONTINUED TO 6/11/03 AT 11:30 AM IN SPRINGFIELD. (ps ,) (Entered: 06/03/2003)
06/24/2003	<u>64</u>	Case Management Order Regarding <u>57</u> Application For Compensation by Francis Lafayette. Entered on 6/24/2003. (sas) (Entered: 06/24/2003)
06/24/2003		Evidentiary Hearing Scheduled for 7/22/2003 at 01:00 PM Worcester Courtroom 4 - HJB RE: <u>57</u> Application for Compensation Filed by Francis Lafayette. (sas) (Entered: 06/24/2003)
07/16/2003	<u>65</u>	Motion to Continue Hearing Re: Evidentiary Hearing Scheduled for 7/22/2003 at 01:00 PM Filed by Counsel for Debtor, Francis Lafayette. c/s (Expedited Determination Requested.) (ps ,) (Entered: 07/16/2003)
07/18/2003	<u>66</u>	Emergency Second Motion to Continue Hearing Re: <u>57</u> Application for Compensation Filed by Debtor's counsel Atty. Francis Lafayette. c/s (yms) (Entered: 07/18/2003)
07/18/2003	<u>67</u>	Endorsed Order Regarding <u>66</u> Motion To Reschedule Proceedings Re: Application for Compensation for Francis Lafayette , Debtor's Attorney. (ds) (Entered: 07/18/2003)
07/18/2003	<u>68</u>	Pre-Trial Memorandum Filed by Interested Party United States Trustee Re: <u>57</u> First Fee Application for Compensation, Itemized Application for Compensation/Order Memorandum of Receipts and Disbursements, Statement of Attorney and Other Thereon for Francis Lafayette, Debtor's Attorney. (ab) (Entered: 07/21/2003)
07/21/2003	<u>70</u>	Notice of Appearance and Request for Notice by Margaret E. Noone For Creditor Household Bank (lc ,) (Entered: 08/29/2003)
07/22/2003	<u>72</u>	Motion to Impound So Much of the Files that Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. c/s (Filed in Open Court) (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>73</u>	Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues filed by Francis Lafayette. c/s (Filed in Open Court) (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>57</u> First Fee Application for Compensation, Itemized Application for Compensation Filed by Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>72</u> Motion to Impound So Much of the Files that

		Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>73</u> Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues filed by Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>74</u>	Order Dated 7/22/03 Regarding <u>57</u> First Fee Application for Compensation filed by Francis Lafayette. TAKEN UNDER ADVISEMENT. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>75</u>	Order Dated 7/22/03 Regarding <u>72</u> Motion to Impound So Much of the Files that Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. DENIED. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>76</u>	Order Dated 7/22/03 Regarding <u>73</u> Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues filed by Francis Lafayette. DENIED. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>77</u>	Order Dated 7/22/03 Regarding <u>64</u> Case Management Order of June 24, 2003. TAKEN UNDER ADVISEMENT. (sas, usbc) (Entered: 06/09/2004)
08/26/2003	<u>69</u>	Order Confirming RE: <u>10</u> Chapter 13 Plan. (ps ,) (Entered: 08/27/2003)
08/29/2003	<u>71</u>	BNC Certificate of Mailing - PDF Document. Service Date 08/29/2003. (Related Doc # <u>69</u>) (Admin.) (Entered: 08/30/2003)
06/10/2004	<u>78</u>	Memorandum of Decision Dated June 10, 2004 Regarding <u>57</u> First Fee Application for Compensation filed by Attorney Francis Lafayette and <u>64</u> Case Management Order of June 24, 2003. (sas, usbc) (Entered: 06/10/2004)
06/10/2004	<u>79</u>	Order Dated June 10, 2004 Regarding <u>57</u> First Fee Application For Compensation filed by Attorney Francis Lafayette. (sas, usbc) (Entered: 06/10/2004)
06/10/2004	<u>80</u>	Order Dated June 10, 2004 Regarding <u>64</u> Case Management Order of June 24, 2003. (sas, usbc) (Entered: 06/10/2004)
06/10/2004	<u>81</u>	Court Certificate of Mailing of <u>78</u> Memorandum of Decision Dated June 10, 2004 Regarding <u>57</u> First Fee Application for Compensation filed by Attorney Francis Lafayette and <u>64</u> Case Management Order of June 24, 2003. (sas, usbc) (Entered: 06/10/2004)

06/10/2004	<u>82</u>	Court Certificate of Mailing of <u>79</u> Order Dated June 10, 2004 Regarding <u>57</u> First Fee Application For Compensation filed by Attorney Francis Lafayette. (sas, usbc) (Entered: 06/10/2004)
06/10/2004	<u>83</u>	Court Certificate of Mailing of <u>80</u> Order Dated June 10, 2004 Regarding <u>64</u> Case Management Order of June 24, 2003. (sas, usbc) (Entered: 06/10/2004)
06/10/2004		Hearing Scheduled for 6/15/2005 at 02:00 PM Springfield Courtroom - HJB Re: <u>64</u> Case Management Order of June 24, 2003. (sas, usbc) (Entered: 06/10/2004)
06/24/2004	<u>85</u>	Notice of Appeal Filed by Attorney Francis Lafayette RE: <u>78</u> Memorandum of Decision and Orders Dated June 10, 2004 Regarding <u>57</u> First Fee Application for Compensation <u>64</u> Case Management Order of June 24, 2003. Appellant Designation due by 7/5/2004. Complied Records Due by 7/19/2004. Transmission of Designation Due by 7/26/2004. Receipt Number 521608, Fee Amount \$255. c/s (ps, usbc) (Entered: 06/29/2004)
06/24/2004	<u>87</u>	Election of Appeal to District Court Filed by Attorney Francis Lafayette RE: <u>85</u> Notice of Appeal Filed by Attorney Francis Lafayette RE: <u>78</u> Memorandum of Decision and Orders Dated June 10, 2004 Regarding <u>57</u> First Fee Application for Compensation <u>64</u> Case Management Order of June 24, 2003. Appellant Designation due by 7/5/2004. Complied Records Due by 7/19/2004. Transmission of Designation Due by 7/26/2004. Receipt Number 521608, Fee Amount \$255. (ps, usbc) (Entered: 06/29/2004)
06/25/2004	<u>84</u>	Status Report (RE: <u>79</u> Order on Application for Compensation). (Psilos, Joanne) (Entered: 06/25/2004)
06/25/2004	<u>88</u>	Notice of Appeal to District Court RE: <u>85</u> Notice of Appeal Filed by Attorney Francis Lafayette RE: <u>78</u> Memorandum of Decision and Orders Dated June 10, 2004 Regarding <u>57</u> First Fee Application for Compensation <u>64</u> Case Management Order of June 24, 2003. Appellant Designation due by 7/5/2004. Complied Records Due by 7/19/2004. Transmission of Designation Due by 7/26/2004. (ps, usbc) (Entered: 06/29/2004)
06/29/2004	<u>86</u>	Order Dated 6/29/04 RE: <u>85</u> Notice of Appeal Filed by Francis Lafayette, Counsel of Debtor. (yms, usbc) (Entered: 06/29/2004)
06/30/2004	<u>89</u>	Order to Show Cause Dated 6/30/04 Regarding <u>79</u> Order Dated June 10, 2004 Regarding <u>57</u> First Fee Application For Compensation filed by Attorney Francis Lafayette. Show Cause hearing to be held on 7/14/2004 at 02:00 PM at Springfield Courtroom - HJB. (sas, usbc) (Entered: 06/30/2004)